

Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II
ECONOMIC DEVELOPMENT BOARD

Sec. 5. Section 15.103, subsection 1, paragraph a, Code Supplement 2009, is amended to read as follows:

a. The Iowa economic development board is created, consisting of fifteen voting members appointed by the governor and seven ex officio, nonvoting members. The ex officio, nonvoting members are four legislative members; one president, or the president's designee, of the university of northern Iowa, the university of Iowa, or Iowa state university of science and technology designated by the state board of regents on a rotating basis; and one president, or the president's designee, of a private college or university appointed by the Iowa association of independent colleges and universities; and one superintendent, or the superintendent's designee, of a community college, appointed by the Iowa association of community college presidents. The legislative members are two state senators, one appointed by the president of the senate after consultation with the majority leader of the senate, and one appointed by the minority leader of the senate from their respective parties; and two state representatives, one appointed by the speaker and one appointed by the minority leader of the house of representatives from their respective parties. Not more than eight of the voting members shall be from the same political party. Beginning with the first appointment to the board made after July 1, 2005, at least one voting member shall have been less than thirty years of age at the time of appointment. The governor shall appoint the voting members of the board ~~for a term~~ to staggered terms of four years beginning and ending as provided by section 69.19, subject to confirmation by the senate, and the governor's appointments shall include persons knowledgeable of the various elements of the department's responsibilities.

Sec. 6. ECONOMIC DEVELOPMENT BOARD MEMBER TERMS. Notwithstanding the four-year term required by section 15.103 for members of the economic development board, and in order to ensure that members of the board serve staggered terms, of the fifteen members initially appointed after the effective date of this Act, the governor shall appoint seven members to terms of two years and eight members to terms of four years.

Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 23, 2010

CHAPTER 1010

PHARMACEUTICAL-DELIVERING CONTACT LENSES AND THERAPEUTICALLY
CERTIFIED OPTOMETRISTS

S.F. 2117

AN ACT to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 147.108, subsection 2, Code 2009, is amended to read as follows:

2. After contact lenses have been adequately adapted and the patient released from initial follow-up care by a person licensed under chapter 148 or 154, the patient may request a copy,

at no cost, of the contact lens prescription from that licensed person. A person licensed under chapter 148 or 154 shall not withhold a contact lens prescription after the requirements of this section have been met. The prescription, at the option of the prescriber, may be given orally only to a person who is actively practicing and licensed under chapter 148, 154, or 155A. The contact lens prescription shall contain an expiration date, at the discretion of the prescriber, but not to exceed eighteen months. The contact lens prescription shall contain the necessary requirements of the ophthalmic lens, and the prescription validation requirements as defined by rules adopted pursuant to this section. The prescription may contain adapting and material guidelines and may also contain specific instructions for use by the patient. For the purpose of this section, "*ophthalmic lens*" means one which has been fabricated to fill the requirements of a particular contact lens prescription, including pharmaceutical-delivering contact lenses as defined in section 154.1, subsection 4.

Sec. 2. Section 154.1, subsection 4, Code 2009, is amended to read as follows:

4. a. Therapeutically certified optometrists may employ all diagnostic and therapeutic pharmaceutical agents for the purpose of diagnosis and treatment of conditions of the human eye and adnexa pursuant to this subsection, excluding the use of injections other than to counteract an anaphylactic reaction, and notwithstanding section 147.107, may without charge supply any of the above pharmaceuticals to commence a course of therapy.

b. Therapeutically certified optometrists may employ and, notwithstanding section 147.107, supply pharmaceutical-delivering contact lenses for the purpose of treatment of conditions of the human eye and adnexa. For purposes of this paragraph, "*pharmaceutical-delivering contact lenses*" means contact lenses that contain one or more therapeutic pharmaceutical agents authorized for employment by this section for the purpose of treatment of conditions of the human eye and adnexa and that deliver such agents into the wearer's eye.

c. Therapeutically certified optometrists may prescribe oral steroids for a period not to exceed fourteen days without consultation with a physician. Therapeutically certified optometrists shall not prescribe oral Imuran or oral Methotrexate.

d. Therapeutically certified optometrists may be authorized, where reasonable and appropriate, by rule of the board, to employ new diagnostic and therapeutic pharmaceutical agents approved by the United States food and drug administration on or after July 1, 2002, for the diagnosis and treatment of the human eye and adnexa.

e. The board shall not be required to adopt rules relating to topical pharmaceutical agents, oral antimicrobial agents, oral antihistamines, oral antiglaucoma agents, and oral analgesic agents. Superficial foreign bodies may be removed from the human eye and adnexa.

f. The therapeutic efforts of a therapeutically certified optometrist are intended for the purpose of examination, diagnosis, and treatment of visual defects, abnormal conditions, and diseases of the human eye and adnexa, for proper optometric practice or referral for consultation or treatment to persons licensed under chapter 148.

g. A therapeutically certified optometrist is an optometrist who is licensed to practice optometry in this state and who is certified by the board to use the agents and procedures authorized pursuant to this subsection.

Approved February 23, 2010

CHAPTER 1011**MOTOR VEHICLE DEALERS AND WARRANTY PARTS, REPAIRS, OR SERVICE —
CLAIMS PAYMENT***S.F. 2146*

AN ACT relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 322.3, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 15. A manufacturer, distributor, or importer of motor vehicles or an agent or representative of a manufacturer, distributor, or importer shall not reduce the amount of compensation for, or disallow a claim for, warranty parts, repairs, or service supplied by a motor vehicle dealer on the grounds that the dealer failed to submit a claim fewer than sixty days after the motor vehicle dealer completed the work underlying the claim for warranty parts, repairs, or service.

Approved February 23, 2010

CHAPTER 1012**HEALTH CARE SERVICES PROVIDERS AND EMPLOYEES — CRIMINAL HISTORY
AND ABUSE RECORD CHECKS***S.F. 2149*

AN ACT relating to criminal history and abuse registry checks for employees of health care facilities and other health-related providers and requiring such checks for certified nurse aide training program students and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135C.33, subsection 1, Code Supplement 2009, is amended to read as follows:

1. a. For the purposes of this section, the term “crime” does not include offenses under chapter 321 classified as a simple misdemeanor or equivalent simple misdemeanor offenses from another jurisdiction.

b. Prior to employment of a person in a facility, the facility shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the person in this state. A facility shall inform all persons prior to employment regarding the performance of the record checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. A facility shall include the following inquiry in an application for employment:

“Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime other than a simple misdemeanor offense relating to motor vehicles and laws of the road under chapter 321 or equivalent provisions, in this state or any other state?”

Sec. 2. Section 135C.33, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 8. *a. For the purposes of this subsection, unless the context otherwise requires:*

(1) *“Certified nurse aide training program” means a program approved in accordance with the rules for such programs adopted by the department of human services for the training of*